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**From:** Hestmark, Martin  
**Sent:** Mon 7/13/2015 10:41:04 PM  
**Subject:** FW: Public Involvement in Gathering and Presenting 'Resource Data'  
[EPA letter to DEQ, June 3, 2015.pdf](#)  
[ATT00001.htm](#)  
[JAL CST 5-31-15 Trespass.pdf](#)  
[ATT00002.htm](#)

In case I didn't already send this up FYI.

**From:** Jason A. Lillegraven [mailto:jay\_linda@mac.com]  
**Sent:** Thursday, July 09, 2015 6:36 PM  
**To:** Hestmark, Martin  
**Cc:** lkurtz@climatesciencedefensefund.org; jeff.guo@washpost.com; jpidot@law.du.edu; dfox@ucsusa.org; dan@wyomingoutdoorcouncil.org; lisa@wyomingoutdoorcouncil.org; travis@westernwatersheds.org; Todd Parfitt  
**Subject:** Public Involvement in Gathering and Presenting 'Resource Data'

July 9, 2015

Mr. Martin Hestmark  
Assistant Regional Administrator  
Office of Ecosystems Protection and Remediation  
U.S. Environmental Protection Agency Region 8  
1595 Wynkoop Street  
Denver CO 80202-1129

Ref.: Comments on your letter of June 3, 2015 to Mr. T. Parfitt, Director, WY Dept. of Environmental Quality

Dear Mr. Hestmark,

A few days ago I was sent a digital copy of your letter of June 3, 2015 to Wyoming's Director of its Department of Environmental Quality (a copy is attached). I understand the nature of your clarification of EPA's position regarding the public-hearing requirement, and I support it wholeheartedly.

The purpose of my message today is to emphasize the importance of the following component of your letter to Director Parfitt:

"As a general matter, the EPA expects that the burden of proof to rebut the presumption for uses specified in CWA § 101(a)(2) remains with the state. However, the EPA does consider it reasonable for Wyoming to expect the public to assist in providing information sufficient to identify: (1) the location of the stream (e.g., latitude and longitude, object ID provided in web map, road mile marker); and (2) existing or potential recreational activities in the context of the physical condition of the stream. Public commenters may provide any number of pieces of information, and such information could come from user testimony during the hearing, user written comments, photos, flow data, or data from the UAA worksheet in Appendix C of the UAA."

I'm sure you are aware that in its most recent legislative session the State of Wyoming passed two nearly identical bills that have been signed by the Governor into existing law (Wyoming Statute 6-3-414 [criminal] and W.S. 40-26-101 [civil]) dealing with the public's ability to gather 'resource data' from open lands for purposes of its submission to regulatory agencies. This has captured national attention, and numerous individuals (including myself, see second attachment) have already commented on the negative implications of those Wyoming laws to citizen participation in science, including environmental protection.

Thus I was particularly elated to note your wording as reproduced above. I applaud your (i.e., EPA's) encouragement of public involvement in the gathering and presentation of relevant information and DATA!

Sincerely yours,

Jason A. Lillegraven, Citizen

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